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LETTER DATED 2 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you the reactions of the Government of Rwanda to the interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the embargo proclaimed under Security Council resolution 1013 (1995) (S/1996/67, annex).

Having taken cognizance of the contents of that report, the Government of Rwanda sympathizes with the Commission regarding the difficulties and obstacles its members encountered in performing their task.

On the other hand, the Government of Rwanda is dismayed by the reaction of the Secretary-General, in his letter addressed to you on 29 January 1996, regarding the information and observations contained in the Commission's report. The Secretary-General intends to request the Commission to submit its final report by the end of February 1996, unless it makes progress in the coming weeks in resolving the difficulties it is encountering. And yet the Secretary-General is well aware that the Commission is not in a position to resolve these difficulties, and consequently he is facing the Commission with yet another obstacle in addition to those it has already encountered.

One of the objectives of the Commission was, and I quote, "To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions".

A further reason justifying the Commission's need for support and its existence is the explosive situation in the region of the Great Lakes countries, which has been exacerbated by the uncontrolled circulation of arms and by the criminal infiltrations within the western frontiers of Rwanda and Burundi.

The Government of Rwanda is convinced that the interruption of the Commission's work will be tantamount to encouraging violation of the embargo proclaimed under resolution 1013 (1995) and constitutes an encouragement to the criminals, and the country harbouring them, to continue the active infiltration across the frontiers of Rwanda and Burundi by destabilizing elements, part of

which took part in the acts of genocide in Rwanda. For this reason, contrary to the recommendations of the Secretary-General, the Government of Rwanda requests the Security Council to strengthen the authority of the Commission and give it the means necessary in order for it to be able to discharge its mandate in the context of the efforts to ensure peace and security in the region.

It is in this context that these acts, which are continuing to disturb peace and security in the region, have on many occasions been denounced by the Government of Rwanda through its Permanent Representative to the United Nations, notably in the letters of 16 March 1995 and 5 July 1995 addressed to the President of the Security Council.

In its report, the Commission clearly identified indicators which confirm the possibilities that Rwandan elements located in the Goma region are being armed. The indicators identified are the following:

- Confirmation by four organizations enjoying international credibility, such as African Rights, Human Rights Watch, Amnesty International and the BBC, that former Rwandan government forces are being armed;

- The Rwandan Government has provided clear evidence that former forces of the Rwandan Army are being armed on Iwawa island, which was visited by the Commission, and has also been the target of infiltrations which are recognized in all the Secretary-General's reports on Rwanda;

- The visit to Iwawa island and the interview with members of the former Rwandan armed forces who had been taken prisoner;

- The confusion that prevailed at Goma airport between June and August 1994 at the time when refugees were arriving and Operation Turquoise was being conducted;

- The information gathered in Goma from a variety of sources that gave rise to suspicion that clandestine activities were being carried out, such as:

  - The mysterious night flights to an airport in Goma which is not equipped to receive flights after dark;

  - The exclusion by the authorities of access to the airport at those times;

  - The unloading of cargo from the aircraft in secret;

  - The exclusion from certain areas by the former Rwandan government forces;

- "Information made available [to the Commission] from published sources was extremely detailed and circumstantial";

- The involvement of Air Zaire and senior government figures;

- The Commission recognizes that it had before it "detailed and voluminous information suggesting that arms deliveries had been made to Goma airport in Zaire for the use of the former Rwandan government forces".

Despite all of this evidence, the Commission did not reach satisfactory conclusions for the following reasons:

- "The Commission has neither the legal powers ... of a police force or an established investigative agency". Clearly, a weak commission cannot investigate a situation falling under Chapter VII of the Charter of the United Nations;

- The long delay between the establishment of the Commission of Inquiry and the time when the events to be investigated took place;

- More serious, one member of the Security Council who contributed to the drafting of resolution 1013 (1995) was designated to represent his country in the Commission. He is thus both judge and party;

- Still more serious, the Government which requested the establishment of the Commission and accepted its mandate was the first to place obstacles in the way of the Commission in discharging the mandate assigned to it by the Security Council.

In the light of all the foregoing circumstances, and of the importance of the inquiries and the recommendation of measures to end the illegal flow of arms in the Great Lakes region, as well as to put an end to the violation of the Security Council resolutions, the Government of Rwanda recommends that:

- The Commission should continue its activities in accordance with its mandate;

- A resolution should be adopted to strengthen the capacity and resources of the Commission in order for it to be able to discharge its mandate;

- Appropriate measures should be taken against the countries that refuse to cooperate with the Commission;

- The plan to station foreign forces in the countries that are not contributing to peace and security in the region should be completely abandoned.

The Government of Rwanda is aware of the important role of the Commission and of its impact on stability and peace in the Great Lakes region. For that reason it requests the Secretary-General, and in particular the Security Council, to exercise their authority in order to ensure that the Commission operates effectively with a view to preventing further acts of genocide. For its part, the Government of Rwanda will spare no effort to render the Commission all necessary support, in transparency and with no impediment.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda
to the United Nations